

REMARKS

This is a full and timely response to the outstanding final Office Action mailed April 21, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 1, 11, 17, and 23 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In response to the rejection, Applicant has amended claims 1, 11, 17, and 23 to clarify that the “identifier” is provided in an “unencrypted header” that is added to or associated with the encrypted file. Support for these limitations can be found in Applicant’s specification on page 10, lines 16-19 and 24-26. In view of these amendments, it is respectfully asserted that claims 1, 11, 17, and 23 define the invention in the manner required by 35 U.S.C. § 112. Accordingly, Applicant respectfully requests that the rejections to these claims be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1-5, 7, 8, 10-14, and 16-29

Claims 1-5, 7, 8, 10-14, and 16-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan, et al. (“Chan,” U.S. Pat. No. 6,378,070) in view of Chen (U.S. Pat. No. 6,058,187) and Leppek (U.S. Pat. No. 6,233,338). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to

establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the prior art at least does not teach or suggest all of the claim limitations. Applicant discusses the merits of the rejections in the following.

As is noted above, Applicant's claims have been amended to clarify that an "identifier" is provided in an "unencrypted header" that is added to or associated with the encrypted file, and the encrypted file and unencrypted header are provided to a recipient device. It is argued in the Office Action that Chen teaches providing such an identifier in such a header, and providing the file and header to a recipient device. Applicant disagrees.

As a first matter, Chen only discloses an encryption device that performs encryption on a message, and outputs an encrypted message followed by a code value

indicating the encryption method used. Chen, column 2, lines 40-45. *Nowhere* does Chen state that the code value is provided in a “header” that is added to or associated with the encrypted message.

As a second point, Chen does not disclose transmitting or otherwise providing the encrypted message and the header to a recipient device, so that the recipient device can identify the encryption method from an identifier contained in the header and then decrypt the message using the identified encryption method. In short, the Chen disclosure is silent on this point.

In view of the above, the applied references do not teach or suggest all of Applicant’s explicit claim limitations. Applicant therefore submits that the rejection should be withdrawn.

B. Rejection of Claims 1-3, 7, 8, 10-12, 17, 18, and 21-29

Claims 1-3, 7, 8, 10-12, 17-18, and 21-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui, et al. (6,167,514) in view of Chen and Leppek in further view of Hirst, et al. (“Hirst,” U.S. Pat. No. 5,930,553) and Printerdriver.net (<http://www.printerdriver.net/faqpc1.htm>, April 2001) (“Printerdriver.net”). Applicant respectfully traverses this rejection.

As is noted above, Chen does not teach or suggest an “identifier” that is provided in a “header” that is added to or associated with the encrypted file, or providing the file and header to a recipient device. For at least this reason, the proffered combination fails to teach or suggest each of Applicant’s claim limitations. Applicant therefore submits that the rejection should be withdrawn.

C. Rejection of Claim 4

Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui in view of Chen and Leppeck in further view of Hirst and Printerdriver.net and in further view of Math.Berkeley.edu (<http://math.berkeley.edu/~strain/55.S01/pdfandps.html>) (“Math.Berkeley.edu”).

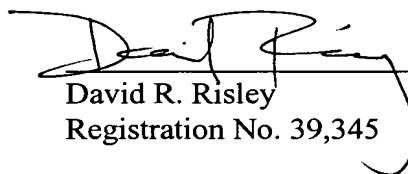
Applicant respectfully traverses this rejection.

As is identified above in reference to independent claim 1, none of Matsui, Chen, Leppeck, Hirst, Printerdriver.net teach or suggest providing an identifier in a header added to or associated with an encrypted file, and providing the encrypted file and unencrypted header to a recipient device. In that Math.Berkely.edu does not remedy this deficiency of the other references, Applicant respectfully submits that claim 4, which depends from claim 1, is allowable for at least the same reasons that claim 1 is allowable.

CONCLUSION

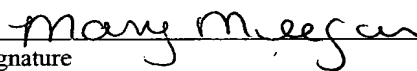
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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6-21-05


Signature